

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PHILLIP E. BRIDWELL, #435667,
Plaintiff,

v.

RICHARD FERRELL, et al.,
Defendants.

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3:07-CV-1575-D

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct in part. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted in part.

In relevant part, plaintiff objects to the magistrate judge's findings, conclusions, and recommendation, contending that he is "a legal resident of the State of Missouri." Objs. 3. Absent controlling Fifth Circuit authority, the court will apply the decisions of other circuit courts that would hold that this allegation is sufficient for the court to conclude that plaintiff is a Missouri citizen. On this basis, the court will hold that it has jurisdiction based on diversity of citizenship.

The court agrees, however, with the magistrate judge's alternative findings, conclusions, and recommendation that this case should be dismissed as frivolous. The court also concludes that

plaintiff is not entitled to appointed counsel to present legally frivolous claims against these defendants.

SO ORDERED.

June 11, 2008.



SIDNEY A. FITZWATER
CHIEF JUDGE